

NO. 03-15-00783-CV

**IN THE THIRD COURT OF APPEALS
AUSTIN, TEXAS**

FILED IN
3rd COURT OF APPEALS
AUSTIN, TEXAS
1/11/2016 3:27:59 PM
JEFFREY D. KYLE
Clerk

**WALLACE L. HALL, JR., IN HIS OFFICIAL CAPACITY
AS A REGENT FOR THE UNIVERSITY OF TEXAS SYSTEM,**

APPELLANT,

V.

**WILLIAM H. McRAVEN, IN HIS OFFICIAL CAPACITY
AS CHANCELLOR FOR THE UNIVERSITY OF TEXAS SYSTEM,**

APPELLEE.

UNOPPOSED MOTION FOR EXPEDITED CONSIDERATION

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ATTORNEYS FOR APPELLANT

Pursuant to Texas Rule of Appellate Procedure 40.1(c), Wallace L. Hall, Jr., in his official capacity as a regent for the University of Texas System, respectfully requests that the Court consider this appeal on an expedited basis. The reasons for this unopposed request are as follows.

As a UT regent, Hall seeks a judgment compelling Chancellor McRaven to provide him with confidential access to certain files in UT's possession and asserts that withholding the information from a regent unlawfully subverts the statutory structure of university governance in this state. But Hall's term as a regent expires on February 1, 2017. The courts may lose jurisdiction to address these important issues and award effective relief if the case is not decided (including any Supreme Court petition) in less than one year.

Recognizing the urgency of the matter, the trial court heard Hall's motion for summary judgment at the same as McRaven's plea to the jurisdiction. The court also made every effort to provide this Court with a full record to render a final decision, explaining:

If I grant the plea to the jurisdiction, I would like for it to be framed for the Court of Appeals so that if I were to do that and if I were to be wrong, I would want them to be able to grapple with and address the motion for summary judgment. And I know Mr. Knight would like that too for the sake of efficiency.

One of the things I noted in the brief is that Regent Hall goes off the Board of Regents in a little over a year. Everyone would like a decision on this.

4 RR 28-29. For his part, Hall will file his opening brief two weeks early, his reply as soon as possible, and stand ready to present argument if and when the Court wants to hear it.

Therefore, mindful that this Court gets plenty of cases that are accelerated by statute, Hall prays that the Court will expedite this case so that the issues are resolved according to their merits rather than becoming moot due to the passage of time.

Respectfully submitted,

EWELL, BROWN, BLANKE & KNIGHT LLP

By: /s/ Joseph R. Knight

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*Attorneys for Appellant, Wallace L. Hall,
Jr., in his official capacity as a regent for
the University of Texas System*

CERTIFICATE OF CONFERENCE

I hereby certify that on January 7, 8, and 11th, 2015, I consulted with Rick Milvenan, counsel of record for Appellee, and he stated: “While Chancellor McRaven does not agree that the summary judgment filed below but not ruled on can be considered on this appeal, Appellee does not oppose Regent Hall’s request for expedited consideration of the case, provided that: (1) the motion does not inconvenience the Court; (2) the motion does not unduly delay other litigants whose cases have been submitted to the Court; and 3) the Court has a full opportunity for consideration of the issues.”

/s/ Joseph R. Knight

Joseph R. Knight

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of this Unopposed Motion for Expedited Consideration has been served upon the following counsel via the Court’s CM/ECF electronic system and by electronic mail on the 11th day of January 2015.

Pat Lochridge
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/s/ Joseph R. Knight

Joseph R. Knight